/113 cont./

361 but rather we are /114/ concerned, almost without exception, with individual farms scattered on the slopes of the mountains, where the families live in the midst of their cultivated fields [157] (cf. Ills. 156 and 157 /see p. 269 and 270/). The Paez is by no means an unsociable person and likes to take part in the festivals, but he does not like to live closely confined in a village and to have his neighbors always around him; rather, he prefers to live quite far away from the next house, surrounded by his animals, in order to be able to go about his daily work in the fields undisturbed with his family.

423 609 Every Paez has a strong tie to "his soil," and the fear that he could be robbed of his soil and land dictates his unfriendly and forbidding attitude toward the stranger. Besides, for centuries their experiences with the whites have been too unfortunate for the Paez to be able to understand that a stranger might come for entirely unselfish reasons, merely in order to become acquainted with them and their country.

423 [342] [428] The Paez builds his house, as the family's focus and social center, only upon his own land, which he inherited from his fathers and which, through all subsequent generations, belongs to the family that first cultivated it. There is land in sufficient quantity in every family; in case of need anyone can also find ownerless, uncleared land on the highest sites of the mountain ranges.

Whereas the slopes of the mountains are private property after the initial clearing, the valley floor with the community house and the festival plaza is community land. The houses are 487 [487] connected with one another, as well as with the village plaza, by means of footpaths which are always very narrow because the Paez, even in larger numbers, never walk side by side, but always one behind the other. Originally even the connecting trails between the individual villages, the trails that had to be taken to the weekly markets in Belalcázar or Inzá, were no wider. In more recent times, however, visits on the part of secular and religious authorities made it necessary to widen the trails for riders.

31 Since there are no compact settlements among the Paez, there is also no geographical variations of the village. The church

/210 cont./

423 considerably larger parcels of land than others, for example, the
427 Guagáz family, who, according to my information, own almost half of all private land. Permission for the use of land is granted only for crops with a short ripening period, namely, wheat, maize, beans, and cabbage, but not sugar cane, coca, or bananas, which need several years to mature, in other words, can be used for years. As rent the owner receives a small portion of the harvest, which is left on the stalk and which he must harvest himself.

423 As a matter of principle, land cannot be bought, we were
[428] told repeatedly, for every man must leave his land to his sons. Even if a man has no sons, he may not sell his land, but must hand it over to his brothers. This was the information always
423 given in answer to my direct questions on the subject. /211/ In
437 practice, however, it is quite possible to sell land, and this is not infrequently done, but no one realizes that a land sale actually takes place when a man clears a piece of land for himself, plants it, and exchanges the entire harvest, including the land, for a
[115] head of cattle, a horse, etc. This is what Victoriano did, for example, in order to acquire a horse. He cleared and planted a piece of his father's land, about 2,500 square meters, to sugar cane, and when this was mature, he exchanged the harvest, including the land, for a mare. Nobody wanted to admit that this violated the principle of not selling land.

423 The land belongs to the father of the family, who, as a rule,
241 tills it with his grown sons. If the sons have their own houses,
59 they generally go on working with their father, since no one likes to work alone. At the harvest, the respective wives fetch the food
423 required for their families from the common field. If father and
427 son do not live in amity, the son must plant and harvest his own
59 3 field, for which he is then obliged to accept the help of friends.
241
[476] It is considerably more expensive to entertain them than family help, for in the latter case there need not be any chicha for entertainment. Even in this instance, however, the son must ask his father and owner of the family land for permission to cultivate the land. This is not denied, however, After the harvest, this piece of land, since it will lie fallow now for about ten years, goes back

/211 cont./

423 to the father, and the next year the son must ask his father anew
427 for permission to use another piece of land.

593 Besides the land, the father of the family also owns the
241 dwelling, the menstruation house, all the animals -- including
422 chickens and guinea pigs -- all agricultural implements, and the
423 sugar mill. Property marks on the houses, fields, and implements are not required, for everyone knows to whom they belong.

●429 Upon the death of the father of the family, the youngest son inherits his house and the greater part of the livestock. If, for example, there is only one cow, he gets it. Similarly, he gets all the land under cultivation at the time. The uncultivated land is divided equally among all the sons. The widow, [768] like the daughters, inherits nothing. The former then continues to live in her old house in the family of the youngest son. The fact that the latter receives so much more than the older ones in the distribution of the inheritance is explained by the fact that the older ones have worked for more years and therefore have had more time and opportunity to acquire property of their own. [429] Favoring the youngest thus represents a certain equalization. If the father dies /212/ young and leaves only a small son, his mother administers his property for him until he is about 15 years [768] old. He need not marry then, however. If there are several younger sons, they, of course, also go on living together in the house of the father.

Deviant inheritance plans of the deceased, for example, letting an older favorite son have more or leaving his house or implements, not to his youngest son, but to his brother, are not possible. Even if a father had ten daughters and only one son and none of the daughters would marry, he could not leave them anything. In such a case, the only son would have to provide for all his sisters, for women cannot live alone in a house and they would not be in a position to cultivate the land alone. If a man has no sons, but only daughters, his sons-in-law generally help him cultivate the fields. Yet he cannot bequeath them anything. His landed property and equipment go to that one of his brothers who takes care of the burial, that is to say, buys the grave clothes for the deceased and provides chicha and food for the mourning

1: Nachtigall--148 E-5 (1952-1953) 1955 SC15 Paez SC15
Colombia SC1

P /212 cont./
428 guests. In case the deceased has neither sons nor brothers --
P which scarcely ever happens, it is said -- the villager who takes
[768] care of the burial inherits his entire property. The widow moves in with one of her brothers or sisters or some other relative.

T Disputes and misdemeanors, such as theft or adultery, are
692 judged within the communities by the cabildo; murder or serious
625 C bodily injury, by the Colombian state judiciary. It was said that
[692] murder and manslaughter did not occur in former times, the old
T 682 people told us; they are a consequence of "white" influences
623 and the weakening of the cabildo. One can well understand this,
182 for in Calderas where the village council still enjoys a certain
[177] amount of power and considerable prestige, it would be unthinkable
P for a son to stab his father to death. This happened in San Andrés
[177] where the cabildo exists only in the form of three functionaries who are basically powerless and without standing and where the young people, through the influences of the living conditions of the white colonists, no longer have any feeling for the old discipline and customs. It was in San Andrés in March, 1953, that the son of the capitan stabbed his father to death. The
P latter, after the death of his first wife, had married a second
[593] time, for which his children reproached him vehemently. In a drunken state, this led to a brawl, in the course of which the father struck off half of his son's right ear and the son killed his father with several knife stabs in the abdomen. After the deed, he fled; but since it was known that he could find shelter only with relatives, the /213/ gobernador of the town of Lame seized him
P a few days later in the house of his sister, where he had hidden.
[624] He was brought to San Andrés in chains and delivered over to the sindico, who was simultaneously occupying the position of gobernador. The latter, an older man of the age of the deceased capitan, tried for some time to reason with the murderer, who gave the impression of being uncommunicative and almost sullen; he pointed out to him the baseness of his deed, of patricide, and then he was led to the church in which the dead capitan was lying in state. The son resisted violently, but was forcibly led up to the corpse and broke down weeping before it. Before he was transferred

* /233 cont./
756 called Juan Tama, who enjoys the fame of having been the
[755] founder of pueblos, a victorious warrior, a good leader,
[532] legislator, and famed curer.
[552] The tama is a defensive and offensive weapon of a sacred
[773] character /234/ and used exclusively by the curers; it protects
[751] from the attacks of the ptans and wards them off. It is a gift
[787] from Thunder and his badge. In visions, it is the first thing
[428] that he shows. When the curer dies, it may be inherited by
a young curer, but generally it is left near the cemetery.

*756 A curer from Calderas, possibly the one most imbued with
539 his mission to defend the health of the people, states that the tama was left from a deed performed by the Virgin in defense of her children. On a certain occasion the sea was rising implacably over the surface of the earth, putting the lives of men in grave danger. The Virgin took pity on them, brought out the tama, and made the motions now made by the curer. The waters retreated. She left this staff for the man who became a curer. This was the origin of the tama.

Another curer from the Parcialidad of San Andrés gave us the following account concerning the origin of the tama:

"The elders say that the tama was left by Thunder himself. A man had a potato field and a rancho in the montaña. He went to harvest it with his son. One afternoon the boy refused to accompany his father, preferring to remain in the rancho. On the following day he disappeared without leaving a trace anywhere. All the steps taken by the father to locate his whereabouts were unsuccessful. On the eighth day, the boy reappeared in the rancho. The father naturally inquired as to his whereabouts and his activities. He replied that he had gone to the señor papa, who had given him the stick he carried in his hands, called tama, and aguardiente and remedies. The aguardiente was cold water from a lagoon, and the remedies were in a pouch. No sooner had he finished his tale than he fell into a deathlike trance. On the fifteenth day, at death's door, he asked his father to hand him the tama, for the señor

000 /335 cont./

423 land. On it usually stand the native pueblos, and from it the
623 municipal councils have set aside the so-called settlement areas,
648 into which, since they belong to the municipio, "white" penetration has been possible.

423 Private ownership of land is acquired essentially through
425 adjudication, through work, and through inheritance. It may also be acquired through gift or sale, but this is quite rare.

423 Since the true owner of the protected lands is the cabildo,
425 it is this institution that distributes the lands to each member
623 of the community. The titles that it grants are called adjudications. The condition for enjoying possession of a specific parcel is residence in the community and, above all, work. In the case where an individual has idle lands because he cannot manage to work them, the cabildo reserves the right to take this part away from him in order to give it to someone who needs it. Those who through special circumstances live elsewhere, outside of the parcialidad, lose their right to possession of the land.

423 Although it is true that in the distribution of land made by
425 the cabildo it venerates, respects, and is guided by the laws of
623 justice, it is also true that they are not exempt from committing
662 unjust acts. If a member of the community can advantageously entertain and show courtesies to the members of the cabildo and is interested in acquiring more land, he can obtain it in this way. It is relatively easy to suborn the cabildo. Then the cabildo can wrong some in order to benefit others. But this defect may be corrected with the selection of men who can fulfill their functions as members of the cabildo competently and with the exercise of sound directive policies on the part of the municipal executive.

423 Now then. It is also true that some natives have more
623 land than others. But this is due to the fact that their respective
● 423 ancestors cleared more forest than others. They colonized more land. Their right of ownership is granted through labor. "The ancestors" -- says a Calderun informant -- "worked the montaña and this is why we have land. This land does not belong to the cabildo." This procedure is still followed in the parcialidades where there is still uncultivated land. /336/ The cabildo has

/336 cont./

423 623 428 no rights over land won by the sweat of the brow. It is inherited directly by the sons. In such cases the cabildo confirms ownership by issuing the respective adjudication.

423 578 When the colonization has been done by several persons, usually brothers, and the division of the land does not satisfy one of the parties, famous litigations take place that eat up the small savings of the families. The feeling for ownership of land is highly developed among the natives, and the usurpation of the slightest piece of ground gives rise to quarrels, enmities, and litigations. The sale of land to "whites" is prohibited by [648] Colombian law and by the consuetudinary law of the natives. But among the natives themselves transactions can be made with immovables. They do not sell the land, but the ownership. The owner of land is the man. A widow, too, can be an owner by inheritance from the husband. Single women do not own land.

422 The bovine, equine, porcine, and wool-bearing livestock belong to the man, although a few women own pigs and sheep. Turkeys, chickens, cats, and guinea pigs belong to the women, and so do dishes, spoons, pots, grinding stones, [428] calabashes, and bags. These are inherited through the female line. Children are owners merely of their own clothes.

423 Concerning communal property, we have already seen that in each parcialidad there are several hectares of land that [794] belong to all the members of the parcialidad. Also regarded as communal property are public works, such as roads, bridges, the main ditches, the house of the cabildo, and the church, and they collectively maintain them; likewise regarded as the property of the parcialidad are the sums of money collected for the church, the produce of the clearing of the saint, and any livestock or mills that it might own.

428 Concerning inheritance, let us look first at the concepts [842] expressed by an informant from Calderas. Asked about the ideal number of children for native families, he replied that everyone wished to have many children. "When one dies and one has land, who can handle it? The ancestors worked the montaña, and this is why we have land. We are five brothers and we work

/336 cont./

428 together. The land does not belong to the cabildo. Women do not inherit. Only the men. The women go with their husbands. Among the men it is divided into equal shares. The /337/ sons are the legitimate heirs. If a man dies without leaving sons, [593] his brother inherits. A brother can be asked for a piece of land to [423] work. And he gives it. If we are niggardly about it, what will [425] my brother eat, how will he support his children. The eldest son is important, because if the father dies, it is he who takes charge of the family."

The words are nearly all textual. One may deduce from them that inheritance is carried out through the male line. It is the men who inherit the land, houses, and animals, in equal shares. The women virtually do not inherit, since, when they marry, they go with the husband. The sons are the legitimate heirs. If a man dies without leaving progeny, his brothers inherit.

423 The women, nevertheless, can also be heirs and in equal
428 shares with the men, if the husband has no land to work. Cases
[591] are not frequent, but neither are they rare, when the man goes to live in his wife's home, where he remains and works the land
[563] which belongs to him through his wife's right. Likewise some "whites" who managed to marry natives have the right of usufruct over the lands of their wives, and the latter demand land to work from the cabildo if they do not possess any.

423 Another Calderun informant, one of the major owners of
428 land in extensity wishes to leave it to his sons without dividing it. Since there is enough land, there is no reason for them to quarrel. Since two of his sons went to Cali when they were small, he says that if they should return there is land for them to work.
423 The lands are solely for the men; the women marry and go with the husband. Referring to the llano of Calderas, he says that it belongs to all of the members of the community. They may build their houses there, while those from other parcialidades
[342] have no right to do so. If a member builds a house on the com-
[476] munal llano, all the others are obliged to help him with timber and labor. Even the women. The land is communal because the cabildo has decided upon it. Some have plots on this

7:Hernández de Alba E-5/(no date) 1946 SC15 Paez SC15
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631 list presented by a council composed of former governors, the cap-
666 tain, and the síndico. The meeting may object to the list, but gen-
[651] erally accepts it. On the following January 1, the cabildo-elect must appear at the office of the municipal mayor to receive the staffs, their insignia of office, and to assume their duties and responsibilities. The offices are: Governor and alternate, commissioner, two mayors (alcaldes), two constables (alguaciles), and three prosecutors (fiscales), one of whom is a young man assigned to learn the ways of government. The mayors, constables, and prosecutors are something like bosses or policemen, and execute orders issued by the Governor or by the captain or the municipal authorities to a community through the Governor.

423 **Property.**—The Indians today do not own any real property in the
[651] usual sense. The land assigned to an entire community is allotted
[534] to each adult for his use when he becomes a macanero, that is, capable of giving one day's work each year for the collective planting for the benefit of the saint and as many days as may be required by the cabildo for the repair of roads, bridges, etc., or for work in the village. The right to the use of the land may pass to the heirs, wife and children, in the absence of which it reverts to the community or the cabildo.

422 The house was formerly typical personal or movable property,
[764] which could be easily abandoned, dismantled, or destroyed. The
[428] same holds today for fragile cane dwellings. There are few houses
[177] so solidly built that they constitute real or immovable property.
[692] Other personal property, such as utensils, clothes, weapons, adorn-
[623] ments, and jewels, was formerly buried with the owner. These things
[681] and livestock, planted fields, and crops are now inherited by the members of the deceased's family. In general, Colombian law is being implanted by the judges and municipal mayors, although the cabildo judges some minor offenses and punishes the offenders by whipping, imprisonment, or stocks (cepo), a form of torment retained from Colonial times.

691 Although the Indians' communities have in most cases titles of
648 limits of their lands dating from Colonial times, there are still liti-
[423] gations on boundaries. An interesting case is the struggle of the Indians to dislodge a settlement of Negroes from the old salt works in Ambostá, where they were abandoned many years ago by a rich Popayán family who took them there to work the mines. The female Indian chief (cacica) of this territory allowed the Negroes to live on a hill, called "the hill of the fifteen Negroes." The Negroes are not organized under a cabildo, but have a chief who represents them. They all contribute to a special religious feast in the municipio, and provide means to continue the suit for the possession of the hill against the Indians.